Gazette No. 23 dated 5th June 1951.

PART I. Section 1

No. L.D. (b)1—2093/51/Law.

NOTIFICATION.

The following Central Act which was recently passed by the Parliament of India and which was published in the Gazette of India Extraordinary Part II, Section I, dated the 17th May 1951, as Act No XXX of 1951, is hereby republished for general information. The Bill as passed by the parliament of India was assented to by the president on the 13th May 1951.

The President's Pension Act, 1951 (XXX of 1951).

By order of His Highness the Raj Pramukh

Government Secretariat,
Law Department,
Trivandrum May ,951.

N. S. RADHAKRISHNA SARMA,
Secretary to Government.

THE PRESIDENT'S PENSION ACT, 1951

(XXX OF 1951.)

AN

ACT,

to provide for the payment of pensions to retiring Presidents.

BE it enacted by Parliament as follows:—

1. *Short title.* This Act may be called the President's Pension Act, 1951.

2. *Pension to retiring Presidents.* There shall be paid to every person who ceases to hold office as President, either by the expiration of his term of office or by resignation of his office, a pension of fifteen thousand rupees per annum for the remainder of his life.

Provided that, where any such person is re-elected to that office, no pension shall be payable for the period during which he again holds office as President.

3. *Pension to the last Governor General.* The provisions of Section 2 shall apply to the person who held office as the last Governor-General of India as they shall apply to any person who ceases to hold office as President,

4. *Pensions to be charged on the Consolidated Fund of India.* Any pension payable under this Act shall be charged on the Consolidated Fund of India.

No. LD (b) 1-2099/51/Law.

NOTIFICATION.

The following Central Act which was recently passed by the Parliament of India and which was published in the Gazette of India Extraordinary Part II, Section I, dated the 17th May, 1951, as Act No. XXXII of 1951, is hereby republished for general information. The Bill as passed by the Parliament of India was assented to by the President on the 15th May, 1951.

The Reserve Bank of India (Amendment) Act, 1951 (XXXII of 1951)

Government Secretariat,
Law Department,
Trivandrum, 1951.

By order of His Highness the Raj Pramukh
N. S. RADHAKRISHNA SARMA,
Secretary to Government.

THE RESERVE BANK OF INDIA (AMENDMENT) ACT, 1951.

(XXXII OF 1951)

AN

ACT

further to amend the Reserve Bank of India Act, 1934.

Be it enacted by Parliament as follows.—

1. *Short title and commencement.* (1) This Act may be called the Reserve Bank of India (Amendment) Act, 1951.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint in this behalf.

2. *Substitution of "India" for "States" in Act II of 1934.* In the Reserve Bank of India Act, 1934 (hereinafter referred to as the principal Act), unless otherwise expressly provided, for the words "the States", wherever they occur, the word "India" shall be substituted.

3. *Amendment of section 1, Act II of 1934.* In sub-section (2) of section 1 of the principal Act, for the words and letter "Part B States" the words "the State of Jammu and Kashmir" shall be substituted.

4. *Amendment of section 2, Act II of 1934.* In section 2 of the principal Act,

(i) clause (bb) shall be relettered as clause (c);

(ii) the existing clause (c) shall be relettered as clause (f) and that clause, as so relettered, shall be inserted after clause (e);

(iii) clause (e) shall be omitted;

(iv) after clause (f), as relettered, the following clause shall be inserted, namely:—

"(g) the expressions "State Government" and "State Governments", unless otherwise expressly provided do not include the Government of the State of Jammu and Kashmir".

5. *Amendment of section 7, Act II of 1934.*—In section 7 of the principal Act, for sub-section (3) the following shall be substituted and shall be deemed to have been substituted with effect from the 1st day of January, 1949, namely:—

> "(3) Save as otherwise provided in regulations made by the Central Board, the Governor and in his absence the Deputy Governor nominated by him in this behalf shall also have powers of general superintendence and direction of the affairs and the business of the Bank, and may exercise all powers and do all acts and things which may be exercised or done by the Bank."

6. *Amendment of section 11, Act II of 1934.*—In section 11 of the principal Act —

(a) in sub-section (1), for the words "any other Director" the words "any other Director or any member of a Local Board" shall be substituted;

(b) in sub-section (5) for the words and letters " of a Part A State or a Part C State" the words "of any State" shall be substituted.

7. *Amendment of section 17, Act II of 1934.*—In section 17 of the principal Act,—

(1) in clause (1), the words and letter; "Part B States" shall be omitted;

(2) in sub-clause (a) of clause (2), after the words "scheduled bank" the words "or a State Co-operative Bank" shall be inserted;

(3) in sub-clause (b) of clause (2), for the words "nine months" the words "fifteen months" shall be substituted;

(4) in sub-clause (c) of clause (2), the words and letter "or such securities of Part B States as may be specified in this behalf by the Central Government on the recommendation of the Central Board" shall be omitted;

(5) in clause (4),—

(a) the words and letter "Part B States" shall be omitted;

(b) in sub-clause (d), for the words "which have been transferred" the words "such documents having been transferred" shall be substituted;

(6) for clause (6), the following clause shall be substituted, namely:—

> "(6) the issue of demand drafts, telegraphic transfers and other kinds of remittances made payable at its own offices or agencies, the purchase of telegraphic transfers, and the making, issue and circulation of bank post bills ;"

(7) in clause (8),—

(a) the words and letter "or such Part B States" shall be omitted;

(b) in the first proviso, for the words "authority or State" in both the places where they occur, the words "or authority" shall be substituted;

(c) the second proviso shall be omitted;

(8) In clause (13)—

(a) the words and the letter "or any Part B State" shall be omitted; and

(b) after the words and figures "established under the Industrial Finance Corporation Act, 1948" the words "or the Government of any such country outside India or any such person as may be approved in this behalf by the Central Government" shall be inserted;

(9) in clause (13), for the words "in the shares" the words "in the shares and securities" shall be substituted;

(10) In the second proviso to clause (14), for the words "share capital" the word "capital" shall be substituted.

(11) for clause (15A) the following clause shall be substituted, namely:—

"(15A) the performance of the functions of the Bank under the International Monetary Fund and Bank Ordinance, 1945 (XLVII of 1945), the Foreign Exchange Regulation Act, 1947 (VII of 1947, the Banking Companies Act, 1949 (X of 1949) or any other law for the time being in force,".

8. *Amendment of section 18, Act II of 1934.*—In sub-section (1) of section 18 of the principal Act, for the words "Central Board" the word "Bank" shall be substituted and shall be deemed to have been substituted with effect from the 1st day of January, 1949.

9. *Amendment of section 19, Act II of* 1934.—For clause (2) of section 19 of the principal Act, the following clause shall be substituted, namely:—

"(2) purchase the shares of any banking company or of any other company, or grant loans upon the security of any such shares;",

10. *Amendment of section* 20, *Act II of* 1934.—In section 20 of the principal Act, for the words and letter "the State Governments and such part B, States as may be approved of and notified by the Central Government in the Gazette of India" the words and letter "and the Governments of Part A States" shall be substituted.

11. *Amendment of section* 21. *Act II of* 1934.—To section 21 of the principal Act, the following sub-section shall be added, namely:—

"(5) In this section, the expressions "State Government" and "State Governments" do not include the Government of any Part B, State."

12. *Insertion of new section* 21A *in Act II of* 1934.—After section 21 of the principal Act, the following section shall be inserted, namely:—

"21A. *Bank to transact Government business of part B States on agreement.*—(1) The Bank may by agreement with the Government of any Part B, State undertake—

(a) all its money, remittance, exchange and banking transactions in India, including in particular, the deposit, free of interest, of all its cash balances with the Bank; and

(b) the management of the public debt of, and the issue of any new loans by, that State.

(2) Any agreement made under this section shall be laid as soon as may be after it is made, before Parliament.

13. *Amendment of section* 26, *Act II of* 1934.—In sub-section (2) of section 26 of the principal Act, for the words "save at an office or agency of the Bank", the words "save at such office or agency of the Bank and to such extent as may be specified in the notification" shall be substituted.

14. *Amendment of section* 33, *Act II of* 1934.—In sub-section (6) of section 33 of the principal Act, for the words and figures "of section 18" the words, figures and brackets "of sub-section (1) of section 18" shall be substituted.

15. *Amendment of sections* 36 *and* 37, *Act II of* 1934.—In sections 36 and 37 of the principal Act, for the words "sterling securities" wherever they occur, the words "foreign securities" shall be substituted.

16. *Amendment of section* 42, *Act II of* 1934—In section 42 of the principal Act,—

(1) for sub-section (2), the following shall be substituted, namely:—

"(2) Every scheduled bank shall send to the bank a return signed by two responsible officers of such bank showing—

(a) the amount of its demand and time liabilities and the amount of its borrowings from banks in India,

(b) the total amount of legal tender notes and coins held by it in India,

(c) the balance held by it at the Bank in India,

(d) the balances held by it at other banks in current account and the money at call and short notice in India,

(e) the investments (at book value) in Central and State Government securities including treasury bills and treasury deposit receipts,

(f) the amount of advances in India,

(g) the inland bills purchased and discounted in India at the close of business on each Friday, and every such return shall be sent not later than five days after the date to which it relates:

Provided that where Friday is a public holiday under the Negotiable Instruments Act 1881 (XXVI of 1881) for one or more offices of a scheduled bank, the return shall give the preceding working day's figures in respect of such office or offices, but shall nevertheless be deemed to relate to that Friday:

Provided further that where the Bank is satisfied that the furnishing of a weekly return under this sub-section is impracticable in the case of any scheduled bank by reason of the geographical position of the bank and its branches, the Bank may allow such bank,

(i) to furnish a provisional return for the week within the period aforesaid, to be followed up by a final return not later than ten days after the date to which it relates, or,

(*ii*) to furnish in lieu of a weekly return a monthly return to be sent not later than fourteen days after the end of the month to which it relates giving the details specified in this sub-section in respect of such bank at the close of business for the month."

(2) in sub-section (3A) in clause (*a*) and in the *Explanation* the words "managing agent" shall be omitted.

(3) in sub-section (4) for the words "shall be liable to pay to the Central Government or to the Bank, as the case may be or to each," the words "shall be liable to pay to the Bank" shall be substituted;

(4) in sub-section (5), for the words brackets and figure "by the Central Government in the case of a failure to make a return under sub-section (2) to the Central Government, or by the Bank with the previous sanction of the Central Government in other cases", the words "by the Bank" shall be substituted;

(5) In clause (*a*) of sub-section (6) for the words "in any State of India" and "outside the States of India", the words "in India" and "outside India" shall respectively be substituted;

(6) after sub-section (6), as so amended, the following sub-section shall be inserted, namely:—

"(7) The Bank may, for such period and subject to such conditions as may be specified, grant to any scheduled bank such exemptions from the provisions of this section as it thinks fit with reference to all or any of its offices or with reference to the whole or any part of its assets and liabilities."

17. *Amendment of Section 44, Act, II of 1934.* In Section 44 of the principal Act, the words and figures "with which it has any transaction under Section 17" shall be omitted

18. *Amendment of section 51 Act II of 1934.* In section 51 of the principal Act, for the words "Auditor General", the words "Comptroller and Auditor General" shall be substituted.

19. *Amendment of the Third Schedule Act II of 1934.* In Paragraph 2 of the Third Schedule to the principal Act, for the words "the States" the words and letters "Part A States and Part C States" shall be substituted.

REPORT OF THE SELECT COMMITTEE
ON
THE TRAVANCORE-COCHIN LAND CONSERVANCY BILL.

To

THE SPEAKER,

LEGISLATIVE ASSEMBLY.

Sir,

We, the undersigned members of the Select Committee appointed to consider and report on the Travancore-Cochin Land Conservancy Bill, have considered the Bill clause by clause and beg to submit this our

REPORT.

1. The Bill was published in the Gazette dated the 19th September 1950.

2. We are of opinion that the Bill may be adopted subject to the following amendments:—

I. In clause 3, sub clause (1), delete Explanation III and renumber Explanation IV as Explanation III.

II. In clause 8, —

(i) delete the brackets and figure '(1)' at the beginning of line 1, and for the existing marginal heading, substitute the following :—

"Liability for unauthorised occupation".

(ii) Renumber sub clause (2) as clause 9, substituting the words 'as adjudged by the Collector' for the words 'under sub section (1)', in line 3 and inserting the following marginal heading for the clause :—

"Penalty for destruction or appropriation of trees".

III. Renumber clauses 9 to 18 as clauses 10 to 19.

IV. In clause 9, renumbered as clause 10, sub-clause (2) proviso, lines 2 to 4, for the words and figures 'Sections 178, 179 and 181 of the Travancore Penal Code or Sections 169, 172 and 174 of the

Cochin Penal Code', substitute the words and figures 'Sections 183, 186 and 188 of the Indian Penal Code'.

V. In clause 10, renumbered as clause 11, in the third paragraph, for the words and figures, 'Section 193 of the Travancore Penal Code or Section 185 of the Cochin Penal Code', substitute the words and figures 'Section 199 of the Indian Penal Code.'

VI. In clause 12, renumbered as clause 13, line 2, for the words 'damages for, substitute the words 'value of'.

VII. (i) In clause 14, renumbered as clause 15, sub clause (4), line 2, for the words 'subordinate officer', substitute the words 'Officer subordinate to the Board of Revenue'.

(ii) In the proviso to the same sub clause, for the words 'the subordinate officer's decision', substitute the words 'any such decision'.

VIII. Consequential changes shall be made in cross references wherever necessary.

(Sd.) A. J. John (*Chairman*)
" D. Gnanasigamony.
" P. S. Nataraja Pillai.
" V. Madhavan.
" A. V. Joseph.

Legislature Secretariat,
Trivandrum,
23rd May 1951.

V. Krishnamoorthy Iyer
Secretary.

THE TRAVANCORE-COCHIN LAND CONSERVANCY BILL

(As revised by the Select Committee).

Preamble.

WHEREAS it is necessary to enact a uniform law for checking the unauthorised occupation of Government lands;

It is hereby enacted as follows:—

Short title, extent and commencement.

1. (1) This Act may be called the Travancore-Cochin Land Conservancy Act, 195 .

(2) It extends to the whole of the State of Travancore-Cochin.

(3) It shall come into force at once.

Repeal and saving.

2. The Travancore Land Conservancy Act of 1091 (IV of 1091) and the Cochin Land Conservancy Act, IV of 1096 are hereby repealed. But such repeal shall not affect any right or privilege acquired or liability incurred under the said Acts.

Property of Government defined.

3. (1) All public roads, streets, lanes and paths, the bridges, ditches, dykes and fences on or beside the same;

the bed of the sea and of harbours and creeks below high-water mark;

the beds and banks of rivers, streams, irrigation and drainage channels, canals, tanks, lakes, backwaters and water-courses;

all standing and flowing water;

and all lands wheresoever situated, save in so far as the same are the property of —

(a) proprietors of Edavagais or Jenmies or holders of Inams; or

(b) holders of lands in any way subject to the payment of land revenue to Government; or

(c) any other registered holder of land in proprietary right; or

(d) any person holding land under grant from the Government otherwise than by way of a licence; or

(e) any person claiming through or holding under any of the persons referred to in clauses (a), (b), (c) or (d);

are, and are hereby declared to be, the property of Government, except as may be otherwise provided by any law for the time being in force, subject to all rights of way and other public rights and to the natural and easement rights of other land-owners and to all customary rights legally subsisting.

Explanation I. Lands once registered in the name of a person but subsequently abandoned or relinquished, and all lands held by right of escheat, purchase, resumption, reversion or acquisition under the Travancore or Cochin Land Acquisition Act are the property of Government within the meaning of this Section.

Explanation II. In this Section, the expression 'high-water mark' means the highest point reached by the ordinary spring tide at any season of the year.

Explanation III. Where in regard to roads, lanes and canals, survey stones had been in the original demarcation under the Survey Act in force, planted for the sake of convenience and safety inside compound walls and gates of compounds, in house verandahs, door steps, porticoes, masonry drains and similar structures of a permanent nature, such walls gates, verandahs etc. shall not be deemed to be property of the Government within the meaning of this section.

(2) All unassessed lands within the limits of Edavagais and private estates used or reserved for public purposes or for the communal use of villagers, and all public roads and streets vested in any local authority shall for the purpose of this Act be deemed to be the property of Government.

"Poramboke" defined.

4. (1) 'Poramboke' shall mean and include unassessed lands which are the property of Government under Section 3 (1) or (2) used or reserved for public purposes or for the communal use of villagers, such as—

(a) all public roads, streets, lanes, pathways, the bridges, ditches, dykes and fences on or beside the same;

(b) the beds and banks of rivers, irrigation and drainage channels, traffic canals, tanks, lakes, back-waters and water-courses;

(c) markets, burial grounds, landing ghauts; and

(d) all other property which the Government may, for the purpose of this Act, from time to time, declare to be Poramboke.

"Occupant" defined

(2) 'Occupant' shall mean a person actually in possession of a land which is the property of Government.

Land which is the property of Government not to be occupied without permission.

5. From and after the commencement of this Act, it shall not be lawful for any person to occupy a land which is the property of Government whether a Poramboke or not without permission from the Government or such officer of Government as may be empowered in this behalf.

Punishment for unauthorisedly occupying a land which is the property of Government.

6. Whoever occupies a land which is the property of Government whether a Poramboke or not contrary to Section 5 shall be liable to pay such fine not exceeding two hundred rupees as may be imposed by the Collector.

Explanation: —A tenant unauthorisedly holding over after the expiry of his term of lease is liable to a fine within the meaning of this Section.

Levy of assessment on lands which are the property of Government unauthorisedly occupied.

7. (1) Any person unauthorisedly occupying a land which is the property of Government other than a Poramboke and liable to pay a fine under Section 6 shall, in addition, be liable to pay by way of assessment for the whole period of his occupation such amount as may be fixed by the Collector in accordance with the rate that may be prescribed by the Government from time to time in this behalf.

Levy of prohibitory assessment on Poramboke unauthorisedly occupied.

(2) Any person unauthorisedly occupying a Poramboke and liable to pay a fine under Section 6 shall, in addition, be liable to pay such prohibitory assessment for the whole period of occupation as may be imposed by the Collector.

Payment of assessment under sub-section (1) or prohibitory assessment under sub-section (2) shall not confer any right of occupancy, and the liability to pay such assessment, shall cease from the date on which the land concerned is relinquished.

Liability for unauthorised occupation

8. Any person unauthorisedly occupying any land which is the property of Government whether a Poramboke or not and liable to a fine under Section 6 shall, in addition to the assessment or prohibitory assessment to which he may be liable under Section 7, be liable for the value, as adjudged by the Collector, of any useful tree destroyed or appropriated by him.

Penalty for destruction or appropriation of trees.

9. Any person who destroys or appropriates any useful tree belonging to Government shall besides being liable for the value of the tree as adjudged by the Collector be liable also on conviction by a magistrate to be punished with imprisonment for a term extending to one month or with fine not exceeding one hundred rupees, or with both.

Liability of unauthorised occupant to summary eviction, forfeiture of crops, etc.

10. (1) Any person unauthorisedly occupying any land for which he is liable to pay a fine under Section 6 and an assessment or prohibitory assessment under Section 7 may be summarily evicted by the Collector, and any crop or other product raised on the land shall be liable to forfeiture and any building or other structure erected or anything deposited thereon shall also, if not removed by him after such written notice as the Collector may deem reasonable, be liable to forfeiture. Forfeiture under this Section shall be adjudged by the Collector and any property so forfeited shall be disposed of as the Collector may direct.

(2) An eviction under this Section shall be made in the following manner, namely:—

Mode of eviction.

By serving a notice on a person reputed to be in occupation or his agent requiring him within such time as the Collector may deem reasonable after receipt of the said notice to vacate the land, and if such notice is not obeyed, by removing or deputing a subordinate to remove any person who may refuse to vacate the same, and, if the officer removing any such person shall be resisted or obstructed by any person, the Collector shall hold a summary enquiry into the facts of the case, and if satisfied that the resistance or obstruction still continues, may issue a warrant for the arrest of the said person, and on his appearance may send him with a warrant in the form of the Schedule for imprisonment in the Civil Jail of the District for such period not exceeding 30 days as may be necessary to prevent the continuance of such obstruction or resistance;

Provided that no person so committed or imprisoned under this Section shall be liable to be prosecuted under Sections 189, 186 and 188 of the Indian Penal Code in respect of the same facts.

11. The Collector shall, before passing an order under this Act, give notice to the occupant or other person likely to be affected by the order, and record any statement which such occupant or person may make and any evidence which he may adduce within a reasonable time; and all orders passed by the Collector under this Act shall be in writing and under his hand.

Prior notice to occupant, etc.

The Collector may require any subordinate officer not below the rank of a Deputy Tahsildar to hold the enquiry as prescribed in paragraph 1 of this Section and submit the record to him. On such record the Collector may pass orders.

For the purpose of Section 199 of the Indian Penal Code the proceedings taken by the Collector under this Section shall be deemed to be judicial proceedings.

12. The Government may make rules or orders, either generally or in any particular instance,--

Power to make rules.

(*a*) regulating the rates of assessment under Section 7 (1)

(*b*) regulating the imposition of prohibitory assessment under Section 7 (2);

(*c*) declaring that any particular land or class of lands shall not be open to occupation;

(*d*) regulating the service of notices under this Act; and

(*e*) generally to carry out the provisions of this Act.

Such general rules or orders shall be made only after previous publication in the Gazette

13. All fines, assessments, and prohibitory assessments, value of trees destroyed, or appropriated, and all costs of eviction and removal of encroachments shall be recovered as arrears of land revenue under the provisions of the Revenue Recovery Act for the time being in force.

Recovery of fines, assessment, etc., as arrears of land revenue.

14. The Government may, by notification in the Gazette, authorise any officer by name or by virtue of his office to exercise all or any of the powers conferred on a Collector under this Act.

Officers to exercise powers of Collector.

15. (1) The Government may, by notification in the Gazette, direct that an appeal from the decision or order of any officer empowered under Section 14 shall lie to the Collector.

Appeal and revision.

(2) No order shall be passed in appeal without previous notice to the party to be affected by such order.

(3) There shall be no appeal against the decision or order passed in appeal by the Collector.

(4) It shall be lawful for the Board of Revenue to revise any decision or order passed by any officer subordinate to the Board of Revenue under this Act :

Provided that no order setting aside or modifying any such decision or order shall be passed without giving previous notice to the party to be affected thereby.

(5) Pending disposal of any appeal or revision petition under this Act the appellate authority or the revisional authority, as the case may be, may suspend the execution of the order appealed or petitioned against.

16. No appeal shall be brought after the expiration of 60 days from the date of the decision or order complained of, provided that, in computing the period of 60 days, the time required to obtain a copy of the decision or order appealed against shall be excluded, but the appeal may be admitted after the period hereby prescribed when the appellant satisfies the authority to whom he appeals that he had sufficient cause for not preferring the appeal within the period prescribed

Limitation of appeal.

17. Every petition of appeal under this Act shall be accompanied by the decision or order appealed against or by an authenticated copy of the same.

Petition of appeal to be accompanied by the order appealed against.

18. Nothing contained in this Act shall be construed as exempting any person unauthorisedly occupying land from liability to be proceeded against under any other law for the time being in force :

Saving of operation of other laws in force.

Provided that, if any penalty has been levied under Section 6 or 7 of this Act, no similar penalty shall be levied from him under any other law in respect of such occupation.

Saving of suits by persons aggrieved by proceedings under this Act.

19. No suit against the Government shall be entertained in any Civil Court in respect of any order passed under this Act except upon the ground that the land in respect of which such order has been passed is not a land which is the property of Government whether a Poramboke or not:

Provided that Civil Courts shall not take cognizance of any such suit unless it shall be instituted within one year from the date on which the cause of action arose.

SCHEDULE.

Form of warrant to be issued by the Collector under Section 10.

SEAL.

To

The Officor in charge of the Civil Jail at

Whereas A. B. of has resisted or obstructed C. D. in removing E. F. (or himself, that is, the said A. B.) from certain land in the pakuthy of in the taluk, and whereas it is necessary, in order to prevent the continuance of such obstruction or resistance, to commit the said A. C. to close custody; You are hereby required under the provisions of Section 10 of the Travancore-Cochin Land Conservancy Act, 195 , to receive the said A. B. into the Jail under your charge and there to keep him in safe custody for days

Dated this day of

(Signature of Collector.)

V. KRISHNAMOORTHI IYER,
Secretary, Legislative Assembly.